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11 *Attorneys for Plaintiff, U.S. Bank National Association as Legal Title Trustee for Truman 2016*
12 *SC6 Title Trust*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 U.S. BANK NATIONAL ASSOCIATION AS
16 LEGAL TITLE TRUSTEE FOR TRUMAN
17 2016 SC6 TITLE TRUST,

18 Plaintiff,

19 vs.

20 FIDELITY NATIONAL TITLE GROUP, INC.;
21 FIDELITY NATIONAL TITLE INSURANCE
22 COMPANY; DOE INDIVIDUALS I through
23 X; and ROE CORPORATIONS XI through
24 XX, inclusive,

25 Defendants.

Case No.: 2:21-cv-01454-JCM-NJK

**JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

26 Plaintiff, U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6
27 Title Trust (“U.S. Bank”), and Defendants, Fidelity National Title Group, Inc. (“Fidelity”) and
28 Fidelity National Title Insurance Company (“Fidelity National”, collectively, the “Parties”), by
and through their counsel of record, hereby submit their proposed Joint Discovery Plan and
Scheduling Order pursuant to this Court’s November 21, 2022 Order [ECF No. 53], as well as
Fed. R. Civ. P. 26(f) and LR 26-1(a-b).

I. INFORMATION PURSUANT TO FRCP 26(f).

1. Meeting. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), a meeting was held on
December 14, 2022, and was attended by Lindsay D. Dragon, Esq. of Wright, Finlay & Zak,

1 LLP, Counsel for U.S. Bank, and Kevin S. Sinclair, Esq., of Sinclair Braun LLP, Counsel for
2 Defendants.

3 **II. INFORMATION PURSUANT TO LR 26-1(B).**

4 **1. *Discovery Plan.*** The Parties propose to the Court the following discovery plan:

5 (a) Subject of Discovery. Discovery will be needed on the following subjects: All
6 claims set forth in the Complaint, as well as the defenses relevant to the action.

7 (b) Discovery Cut-Off Dates. Discovery will take **180 days**, measured from
8 December 14, 2022, the date the Parties held their Fed. R. Civ. P. 26(f) Conference. The
9 discovery cut-off date, therefore, will be **June 12, 2023**.

10 (c) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). Disclosure of experts shall
11 proceed according to Fed. R. Civ. P. 26(a)(2):

12 (1) The disclosure of experts and expert reports shall occur on **April 13, 2023**,
13 which is sixty (60) days before the discovery cut-off date;

14 and

15 (2) The disclosure of rebuttal experts and their reports shall occur on **May 12,**
16 **2023**, which is thirty-one (31) days before the discovery cut-off date.

17 **2. *Other items.***

18 (a) Initial Disclosures. The Parties have already served their initial disclosures and
19 will continue to supplement their disclosures in accordance with the Federal Rules of Civil
20 Procedure.

21 (b) Amending the Pleadings and Adding Parties. The Parties have until **March 14,**
22 **2023**, to file any motion to amend the pleadings or to add parties, which is ninety (90) days
23 before the discovery cut-off date pursuant to LR 26-1(b)(2).

24 (c) Dispositive Motions. The Parties shall have until **July 12, 2023**, to file dispositive
25 motions. This is thirty (30) days after the discovery cut-off date pursuant to LR 26-1(b)(4).

26 (d) Settlement. All Parties will continue to discuss possible resolution to this matter.

27 (e) Pretrial Order. The pretrial order shall be filed by **August 11, 2023**, which is
28 thirty (30) days after the date set for filing dispositive motions in the case. This deadline is

1 suspended if the dispositive motions are timely filed until 30 days after decision on the
2 dispositive motions or further Court order. The disclosures required by Fed. R. Civ. P. 26(a)(3)
3 shall be made in the joint pretrial order.

4 (f) Court Conference. The Parties are not requesting a conference with the Court
5 before entry of the scheduling order.

6 (g) Later Appearing Parties. A copy of this discovery plan and scheduling order shall
7 be served on any person served after it is entered, or, if an additional defendant should appear,
8 within five (5) days of their first appearance. This discovery plan and scheduling order shall
9 apply to such later-appearing parties, unless the Court, on motion and for good cause shown
10 orders otherwise.

11 (h) Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-
12 3 governs modifications or extensions of this discovery plan and scheduling order. Any
13 stipulation or motion must be made no later than twenty-one (21) days before the subject
14 deadline, and must fully comply with LR 26-3.

15 (i) Estimate of Time Required for Trial. The Parties estimate that a trial will take 10-
16 15 days.

17 (j) Alternative Dispute Resolution: The Parties hereby certify pursuant to LR 26-
18 1(b)(7) they met and conferred about the possibility of using alternative dispute-resolution
19 processes including mediation, arbitration, and if applicable, early neutral evaluation
20 (collectively, ADR). The Parties determined ADR is not a viable option at this time.

21 (k) Alternative Forms of Case Disposition: The Parties hereby certify pursuant to LR
22 26-1(b)(8) they considered consent to trial by a magistrate judge and/or use of the short trial
23 program. The Parties do not consent to either at this time.

24 (l) Electronic Evidence: The Parties have discussed the production of electronic data
25 and will stipulate to a protocol for handling electronically stored data if necessary.

26 (m) Time to Notice Depositions Pursuant to Fed. R. Civ. P. 30(b)(6): The Parties
27 agree to provide at least fourteen (14) days' notice prior to taking a deposition pursuant to Fed.
28 R. Civ. P. 30(b)(6), unless otherwise agreed.

(n) Issues about claims of privilege or protection of trial preparation materials:

(i) The Court previously entered a stipulated confidentiality agreement and protective order in this matter. (ECF No. 45.)

(ii) Claw-back of Inadvertent Disclosure of Privileged Materials: The Parties agree that the procedures set forth in Fed. R. Civ. P. 26(b)(5) shall apply.

DATED this 21st day of December, 2022.

DATED this 21st day of December, 2022.

WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

/s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

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Association as Legal Title Trustee for

Title Group, Inc. and Fidelity National Title

Truman 2016 SC6 Title Trust

Insurance Company

IT IS SO ORDERED.

Dated this 27th day of December, 2022.



THE HON. NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE